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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

May 16, 1996

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. -- Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: CC Docket No.96-98

Dear Mr. Caton:

Enclosed for filing in the above proceeding is an original and 16 copies of the "Comments of the International Communications Association".

To acknowledge the Commission's receipt of these documents, please place the Commission's stamp on the enclosed duplicate original and remit the same to bearer.

Sincerely,



Brian R. Moir

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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MAY 17 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
of 1996)

CC Docket No. 96-98

**COMMENTS OF THE
INTERNATIONAL COMMUNICATIONS ASSOCIATION**

The International Communications Association ("ICA")^{1/}, by its attorney, hereby submits its initial comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned matter.^{2/}

The Commission's Notice is in response to the Congressional directives laid out in Sections 251, 252, and 253 of the Communications Act of 1934, as amended by the Telecommunications Act

^{1/} ICA is the largest association of telecommunications users in the United States, with more than 500 members who typically spend at least \$1 million per year upon acquisitions of services and equipment. Because of ICA members' increasing reliance on public telecommunications, ICA members' expenditures on telecommunications are growing rapidly. Recent estimates indicate ICA members spend approximately \$23 billion on telecommunications services and equipment. As heavy users of telecommunications services, ICA members have a special interest in the Commission's deliberations in this proceeding.

^{2/} Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Notice of Proposed Rulemaking, FCC 96-182 (rel. April 19, 1996).

of 1996 ("1996 Telecom Act").^{3/} The Commission's Notice correctly recognizes that the Congress has mandated a pro-competitive, de-regulatory national policy framework for this nation's telecommunications industry and determined that the Commission would be the most effective body to be given the responsibility to quickly implement America's new national telecommunications policy.^{4/} While this proceeding is one of the many interrelated proceedings that are required by the 1996 Telecom Act, none is more critical to the development of local competition than this proceeding. No matter how successful the Commission is in implementing the other interrelated proceedings, if the Commission does not successfully implement this proceeding, then our new national pro-competitive objective will **not** be achieved.

Make no mistake about it, few, if any, telephone customers in this country have any meaningful choice but to rely upon the incumbent local exchange carriers ("LECs") for their basic **local** telecommunications needs. While the Commission will clearly hear from some participants to this proceeding that significant local competition is beginning to develop in this country, it is quite clear that such sightings have not been made by the vast majority of the telecommunications industry, telephone customers, or members of Congress. If such developments actually existed, much of the 1996 Telecom Act would not have been necessary or strongly sought by the non-monopoly portions of America's telecommunications industry and its customers, both business and residential. It is most likely that those who will voice such sightings of the emergence of local competition will be the very companies that have so long fought to keep their monopoly markets closed to competition -- the very

^{3/} Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (to be codified at 47 U.S.C. §§ 151 et seq.).

^{4/} Notice at ¶¶ 1-2.

companies that Congress has targeted in its legislation to be forced to remove anti-competitive barriers to competition. The development of **meaningful** local competition will require this Commission to craft a forceful set of national rules to implement our new pro-competitive national telecommunications policy.

National Rules.

If the pro-competitive national objectives of the 1996 Telecom Act are to be achieved, the Commission must act decisively to establish **explicit national rules** to implement these issues raised in this proceeding. It is more than likely that the LECs will represent the vast majority of the non-governmental industry participants to lobby this Commission, that state telecom policymakers should be responsible for the implementation and oversight of the bulk of the matters raised in this proceeding. Without the decisive Federal rules that the Commission worked hard to implement in earlier times, this country would not now be the beneficiary of competition in the telecommunications equipment and the long distance markets. When the Commission was developing those earlier Federal rules, it wisely resisted the advice of some to let the states assume the bulk of the responsibility for the development of such rules.

The worst possible outcome for this proceeding would be for the Commission to not adopt extensive and explicit national rules. If the Commission were to do otherwise, it could actually run the risk of allowing a **Balkanized** telecommunications environment to begin to develop in this country, just the opposite of what was intended by the Congress in enacting the 1996 Telecom Act. While American businesses operating abroad have long been forced to deal with a **Balkanized** global telecommunications environment, such a development on a domestic front would seriously impact the global competitiveness of U.S. companies. Most of this nation's economic engines have benefited

from national telecommunications rules and standards. To move in the direction of a state-by-state patchwork quilt would be a major step backward for this industry and country.

Interconnection, Collocation, and Unbundled Elements.

Even in those few states that have worked hard to develop some rules for interconnection, collocation, and unbundled elements, the fact of the matter is that the vast majority of the telephone customers, business or residential, in those states are still without **any** meaningful choice for their local telephone needs. While those states are to be commended for their pioneering efforts, the Commission is correct in studying their efforts to help it develop an explicit uniform set of national rules for these three areas. The idea of allowing the monopoly LECs to be free to develop a state-by-state patchwork quilt of interconnection standards, unbundled elements, and collocation rules is totally counter-productive to this nation's best economic interests.

The Commission should ensure that **all** LECs who provide bundled telephone exchange service are subject to an explicit set of uniform national rules and standards for these three key elements to the development of local competition. In addition, the Commission should reject efforts to limit the eligibility of those who may purchase interconnection, unbundled elements, and collocation under those uniform national rules and standards.

Technically Feasible Points of Interconnection.

As part of the explicit uniform national rules and standards that the Commission must establish and oversee, there must be a meaningful minimum number of points of interconnection for determining the areas of interconnection and unbundling. ICA supports as a minimum, AT&T's proposed 11 points. Those 11 minimum points should include the loop distribution, loop concentrator, loop feeder, central office switch, operator services, dedicated transport, common

transport, access/tandem switch, signaling links, signal transfer point, and services control point. ICA cautions that this list should not be allowed to become stagnant. As industry needs and technologies evolve, so should this list. ICA expects that this list will grow with time and the Commission will need to establish procedures in its initial decision that will facilitate this development. Such procedures should place the burden on the LECs to show why such additional points of interconnection and elements are not technically feasible.

The Commission should be applauded for its effort to seek comments in this area and ICA looks forward to working with the Commission to facilitate the adoption of a workable set of explicit uniform national rules and standards.

Respectfully Submitted,

INTERNATIONAL COMMUNICATIONS ASSOCIATION

By 

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Its Attorney

May 16, 1996

CERTIFICATE OF SERVICE

I, Patricia S. Nolan, hereby certify that on May 16, 1996 copies of the of the foregoing Comments of the International Communications Association were hand delivered to the Office of the Secretary, International Transcription Services, and Janice Myles of the Common Carrier Bureau.

A handwritten signature in black ink, appearing to read "Patricia S. Nolan", written over a horizontal line.

Patricia S. Nolan